

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated August 19, 2008, (hereinafter Office Action) has been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant appreciates the indication of allowance for Claims 5-7, 10, 11, and 16-18 and of allowability for Claims 3, 4, and 13-15.

Applicant respectfully traverses the § 103(a) rejection, which is based in part upon U.S. Publication No. 2003/0103484 by Oommen *et al.* (hereinafter “Oommen”) because Oommen is not an available reference for § 103(a) rejections in view of 35 U.S.C. § 103(c). Section 103(c) indicates that subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102 shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. MPEP § 706.01(l)(1). First, Oommen is not available as a reference under § 102(a) or (b) because the first publication date of Oommen (June 5, 2003) is later than the priority filing date of the instant application, which is November 21, 2002. Oommen is also not available as a reference under § 102(c) or (d). Thus, Oommen must be asserted based upon § 102(c), (f), and/or (g).

Second, Oommen is owned by Nokia Corporation as a result of the assignment recorded at Reel/Frame No. 013736/0040 on February 4, 2003, and the inventors of the instant invention were subject to an obligation to assign the instant invention to Nokia Corporation at the time the invention was made. That obligation was fulfilled as evidenced by the assignment of the instant application to Nokia Corporation recorded at Reel/Frame No. 015014/0802 on February 27, 2004. In view of the above-evidenced common ownership, Oommen is not available as a § 103(a) reference thereby rendering the § 103(a) rejection improper. Applicant accordingly requests that the rejection be withdrawn.

In addition, Applicant maintains that Hamada does not teach or suggest determining and attaching a data element comprising priority data of at least one sub-object relative to

other sub-objects of a management object, as claimed. In contrast, Hamada teaches editing one or more first documents described by any markup language into a second document described by a specific markup language. This is done by extracting partial documents from the first documents according to locations of the first documents on the internet and ranges of the partial documents described by the specific markup language, and then inserting the partial documents into the second document according to insertion positions described by the specific markup language (e.g., paragraph [0031]). Hamada does not address priority of sub-objects with respect to each other in a device management object but instead is directed to tree structure depth, specifically, parent nodes vs. child nodes. Thus, Hamada fails to correspond to the asserted claim limitations.

Since Oommen is not an available reference to support a § 103(a) rejection of the claimed invention and Hamada does not teach the asserted limitations, the § 103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Moreover, Claims 1-4 and 8-18 have been amended to alter the wording of the claims to improve readability. These changes are not made for any reasons related to patentability or to the asserted references and do not introduce new matter. These claims, with or without the changes, are believed to be patentable over the teachings of the asserted references for the reasons set forth above.

It should also be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Further, Claim 19 has been added. Support for this claim may be found in the Specification, for example, at paragraph [0020] and in original Claim 5; therefore, the claim does not introduce new matter. This claim is also believed to be patentable over the asserted references for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.064PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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